

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**KEVIN ANTONIO JONES**

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**CRIMINAL NO. 6:99-CR-78-01**

**REPORT AND RECOMMENDATION OF  
UNITED STATES MAGISTRATE JUDGE**

On June 6, 2010, the Court conducted a hearing to consider the government's petition to revoke the supervised release of Defendant, Kevin Antonio Jones. The government was represented by Bill Baldwin, Assistant United States Attorney for the Eastern District of Texas, and Defendant was represented by the court-appointed federal defender, Wayne Dickey.

Defendant originally pleaded guilty to the offense of conspiracy to possess with intent to distribute cocaine base, a Class A felony. The offense carried a statutory maximum imprisonment term of 40 years. The United States Sentencing Guideline range, based on a total offense level of 31 and a criminal history category of V, was 168 to 210 months. Judge John Hannah, Jr. originally sentenced Defendant to 168 months in prison, but this sentence was reduced on February 5, 2001 to 115 months in prison to be followed by a 5 year term of supervised release. After the case was later reassigned to Judge Michael Schneider, the Defendant's sentence was further reduced to 96 months in prison to be followed by a 5 year term of supervised release. The term of supervised release was subject to the standard conditions of release, plus special conditions to include participation in a program of testing and treatment for drug abuse. On May 1, 2008, Kevin Antonio Jones completed his period of imprisonment and began serving the term of supervised release.

Under the terms of supervised release, Defendant was prohibited, in relevant part, from unlawful use or possession of a controlled substance. In its petition, the government alleges that Defendant violated his condition of supervised release when he was arrested on March 16, 2009, and convicted thereafter, for possession with intent to distribute at least 5 grams but less than 50 grams of cocaine base (also known as crack cocaine). Judge Leonard Davis sentenced Defendant to 60 months of imprisonment for this offense, with a new case number of 6:09-cr-48-01.

If the Court finds by a preponderance of the evidence that Defendant violated conditions of supervised release by possessing with intent to distribute at least 5 grams, but less than 50 grams of cocaine base, Kevin Antonio Jones will be guilty of committing a Grade A violation for which the Court shall revoke the supervised release. U.S.S.G. § 7B1.3(a)(1). Considering Defendant's criminal history category of V, the Guideline imprisonment range is 46 to 57 months. U.S.S.G. § 7B1.4(a).

At the hearing, the parties indicated they had come to an agreement to resolve the petition whereby Defendant would plead true to violating the conditions of supervision in the manner alleged by the government. In exchange, the government agreed to recommend that Defendant serve 46 months in prison with no supervised release to follow. It was further clarified that this sentence will run consecutively with the sentence imposed by Judge Davis in 6:09-cr-48-01.<sup>1</sup>

Pursuant to the Sentencing Reform Act of 1984 and the agreement of the parties, the Court **RECOMMENDS** that Defendant, Kevin Antonio Jones, be committed to the custody of the Bureau of Prisons for a term of imprisonment of 46 months with no supervised release to follow. The Court further **RECOMMENDS** that the place of confinement be Memphis, Tennessee.

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<sup>1</sup> While there is no supervised release to follow in this case, Defendant will still be subject to a term of supervised release for the longer sentence in case number 6:09-cr-48-01.

The parties have waived their right to object to the findings of the Magistrate Judge in this matter so the Court will present this Report and Recommendation to District Judge Michael Schneider for adoption immediately upon issuance.

**So ORDERED and SIGNED this 7th day of June, 2010.**

  
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JOHN D. LOVE  
UNITED STATES MAGISTRATE JUDGE